

Order

Michigan Supreme Court
Lansing, Michigan

July 10, 2009

Marilyn Kelly,
Chief Justice

138083

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

SANDRA ELLIS and GORDON ELLIS,
Plaintiffs-Appellants,

v

SC: 138083
COA: 279930
Mecosta CC: 05-016890-NO

JAMES HATCHEW,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 9, 2008 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., and CAVANAGH and HATHAWAY, JJ., would reverse the judgment of the Court of Appeals because they are not persuaded that the trial court erred when it denied the defendant's motion for summary disposition. When the facts are viewed in a light most favorable to the plaintiff, there were disputed issues of material fact relating to the applicability of the open and obvious doctrine.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 10, 2009

Corbin R. Davis

Clerk